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09/802,095	03/07/2001	Janez Skubic	P14018-US2	4946

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EXAMINER
MATTIS, JASON E

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/802,095	SKUBIC ET AL.
	Examiner	Art Unit	
	Jason E. Mattis	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-7,11,12,14-17,21-23,31,43,46 and 47* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12, 14-17, and 21* is/are allowed.

6)☒ Claim(s) *1,5-7,11,22,23,31,43,46 and 47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20061114

DETAILED ACTION

1.   This Office Action is in response to the Amendment filed 9/18/06. Due to the

Amendment, the previous rejection of claim 47 under 35 U.S.C. 112, second paragraph,

has been withdrawn. Claims 1, 5-7, 11-12, 14-17, 21-23, 31, 43, and 46-47 are

currently pending in the application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 43 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yokoo et al. (U.S. Publication US 2003/0191560 A1).

With respect to claims 43 and 47, Yokoo et al. discloses a method for enabling

anonymous communication between a first wireless network device and a second

wireless network device without revealing the identities of the first and second devices

to a third party **(See page 19 paragraphs 292-297 of Yokoo et al. for reference to**

communicating between wireless network devices using Bluetooth with

encryption). Yokoo et al. also discloses establishing an encrypted connection between the first and second devices, which the third part cannot decrypt **(See page 19 paragraph 296 of Yokoo et al. for reference to transmitting encrypted information between devices)**. Yokoo et al. further discloses exchanging a non-temporary identification number and an index value of the first device over the connection **(See page 19 paragraphs 292-297 of Yokoo et al. for reference to transmitting a MAC address and a randomly generated number, which is an index value, of the first device over the connection)**. Yokoo et al. also discloses generating a temporary identification number using the non-temporary identification number and an index value **(See page 19 paragraphs 292-297 for reference to generating a dedicated key, which is a non-temporary identification number, using the MAC address and random number)**. Yokoo et al. further discloses establishing subsequent connections between the first and second devices using the temporary identification number as a wireless network identification number associated with the first device without revealing the identity of the first device to the third party **(See page 19 paragraphs 292-297 for reference to using the dedicated key for subsequent processing of wireless connections between the two devices without using the MAC address of the first device such that a third party cannot learn the MAC address of the first device)**.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yamashina et al. in view of Yokoo et al.

With respect to claim 1, Yamashina et al. discloses a method of communicating

information between a first wireless device and a second wireless device using a

wireless network communications protocol without revealing the identity of the first

wireless device or its user to a third party **(See column 1 lines 27-55 and Figure 15 of**

Yamashina et al. for reference to communicating between wireless terminals).

Yamashina et al. also discloses selecting a random identification for the first and second

wireless devices **(See column 1 lines 40-55 and Figure 15 of Yamashina et al. for**

reference to terminals generating a temporary address by a random number).

Yamashina et al. further exchanging the identification numbers at connection

establishment between the first and second devices **(See column 1 line 6 to column 2**

line 8 and Figure 15 of Yamashina et al. for reference to transmitting packets

including the random number address between network devices with the devices

replying to packets using their own random identification numbers). Yamashina

et al. does not specifically disclose switching to an encrypted connection that the third

party cannot decrypt, exchanging pseudo random identities, and using the pseudo random identities to set up subsequent connections.

With respect to claim 1, Yokoo et al., in the field of communications discloses switching to an encrypted connection that cannot be decrypted by a third party, exchanging pseudo random identities, and using the pseudo random identities to set up subsequent connections **(See page 19 paragraph 292-297 of Yokoo et al. for reference to transmitting encrypted information between devices including a MAC address of the devices over the encrypted connection, using the MAC address to generate a dedicated key, and using the dedicated key for subsequent processing of wireless connections).** Switching to an encrypted connection, exchanging pseudo random identities, and using the pseudo random identities to set up subsequent connections has the advantage of allowing identification information to be securely transmitted between devices while also speeding up the processing of later connections between devices.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Yokoo et al., to combine switching to an encrypted connection, exchanging pseudo random identities, and using the pseudo random identities to set up subsequent connections, as suggested by Yokoo et al., with the system and method of Yamashina et al., with the motivation being to allow identification information to be securely transmitted between devices while also speeding up the processing of later connections between devices.

With respect to claim 6, Yamashina et al. discloses generating the temporary identification number at random intervals **(See column 1 lines 33-55 and Figure 15 of Yamashina et al. for reference to generating the temporary address at the beginning of communications, meaning each time the device initiates communications, which will happen at random intervals, a new temporary address will be generated)**.

With respect to claim 7, Yamashina et al. discloses generating the temporary identification number at a beginning of a transaction **(See column 1 lines 33-55 and Figure 15 of Yamashina et al. for reference to generating the temporary address at the beginning of communications)**.

6.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina et al. in view of Yokoo et al., as applied to claims 1, and 6-7 above, and in further view of Pelissier et al. (U.S. Pat. 6496503).

With respect to claim 5, the combination of Yamashina et al. and Yokoo et al. does not disclose selecting the temporary identification number on a periodic basis.

With respect to claim 5, Pelissier et al., in the field of communications, discloses periodically generating and obtaining an identification number **(See column 12 line 64 to column 13 line 12 of Pelissier et al. for reference to periodically reassigning MAC addresses, which are a type of identification number, to devices)**. Periodically generating and obtaining and identification number has the advantage of allowing a network manager to periodically generate an updated system

configuration to compensate for devices being moved or failing **(See column 12 line 64**

to column 13 line 12 of Pelissier et al. for reference to this advantage).

It would have been obvious for one of ordinary skill in the art at the time of the

invention, when presented with the work of Pelissier et al., to combine the use of

periodically generating and obtaining an identification number, as suggested by

Pelissier et al., with the system and method of Yamashina et al. and Yokoo et al., with

the motivation being to allow a network manager to periodically generate an updated

system configuration to compensate for devices being moved or failing.

7.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Yamashina et al. in view of Yokoo et al., as applied to claims 1, and 6-7 above, and in

further view of Babbitt et al.

With respect to claim 11, the combination of Yamashina et al. and Yokoo et al.

does not disclose receiving randomly selected identification numbers from a source

located remotely from the first and second devices.

With respect to claim 11, Babbitt et al., in the field of communications discloses

receiving a temporary identification number from a source located remotely from the first

and second devices **(See column 2 line 59 to column 3 line 21, column 5 lines 24-**

58, column 9 line 63 to column 10 line 5, and Figures 2, 3 and 6 of Babbitt et al. for

reference to DHCP 58 located remotely from wireless devices 116 and

maintaining a pool of IP addresses and dynamically assigning an address to

wireless devices 116). Receiving a temporary identification number from a source

located remotely from the first and second devices has the advantage of allowing the

processing and managing of temporary identification numbers to be centralized such

that the identification number are easier to allocate and maintain.

It would have been obvious for one of ordinary skill in the art at the time of the

invention, when presented with the work of Babbitt et al., to combine receiving a

temporary identification number from a source located remotely from the first and

second devices, as suggested by Babbitt et al., with the system and method of

Yamashina et al. and Yokoo et al., with the motivation being to allow the processing and

managing of temporary identification numbers to be centralized such that the

identification number are easier to allocate and maintain.

8.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Yamashina et al. in view of Yokoo et al. and Babbitt et al. as applied to claim 11 above,

and in further view of Singhal et al. (U.S. Pat. 6633761).

With respect to claim 22, to combination of Yamashina et al., Yokoo et al., and

Babbitt et al. does not disclose that the remote source is a device operating according

to the wireless network communications protocol.

With respect to claim 22, Singhal et al. discloses that the remote source is a

device operating according to the wireless network communications protocol **(See

column 3 line 52 to column 4 line 21 of Singhal et al. for reference to Core Server

100 that is part of the Bluetooth network in Figure 1 being the remote source that

devices 120 receive IP addresses from).** Using a remote source that is a device

operating according to the wireless network communications protocol has the

advantage of allowing the remote source to directly communicate with the devices

without having to translate between protocols.

It would have been obvious for one of ordinary skill in the art at the time of the

invention, when presented with the work of Singhal et al., to combine the use of a

remote source that is a device operating according to the wireless network

communications protocol, as suggested by Singhal et al., with the system and method

of Yamashina et al., Yokoo et al., and Babbitt et al., with the motivation being to allow

the remote source to directly communicate with the devices without having to translate

between protocols.

9.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Yamashina et al. in view of Yokoo et al. as applied to claims 1 and 6-7 above, and in

further view of Lipsanen (U.S. Publication US 2003/0191560 A1).

With respect to claim 23, the combination of Yamashina et al. and Yokoo et al.

does not disclose storing multiple temporary identification numbers and randomly

selecting one of the numbers as the temporary identification number.

With respect to claim 23, Lipsanen et al. discloses assigning an IP address

from a random pool of IP addresses **(See page 6 paragraph 61 for reference to**

assigning an IP address, which is a temporary identification number, from a pool

of IP addresses). Randomly selecting a temporary identification number from a stored

list has the advantage of avoiding the processing necessary to randomly generate a temporary identification number.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Lipsanen et al., to combine randomly selecting a temporary identification number from a stored list, as suggested by Lipsanen et al, with the system and method of Yamashina et al. and Yokoo et al., with the motivation being to avoid the processing necessary to randomly generate a temporary identification number.

10.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina et al. in view of Inoue et al. (U.S. Pat. 6587882) and Pelissier et al.

With respect to claim 31, Yamashina et al. discloses a method of communicating information between a first wireless device and a second wireless device without revealing the identity of the first wireless device to the second wireless network device **(See column 1 lines 27-55 and Figure 15 of Yamashina et al. for reference to communicating between wireless terminals using randomly generated addresses)**. Yamashina et al. also discloses generating a temporary address at the first device using an algorithm within the first device and known only to the first device **(See column 1 lines 40-55 and Figure 15 of Yamashina et al. for reference to terminal A generating a temporary address by a random number, meaning there must be an algorithm to generate the random number within terminal A)**. Yamashina et al. further discloses inserting the temporary identification

number as an address into messages to be transmitted from the first device **(See column 1 lines 40-55 and Figure 15 of Yamashina et al. for reference to inserting the temporary address into an AARP probe packet to be transmitted from terminal A)**. Yamashina et al. also discloses transmitting the messages from the first device to the second device **(See column 1 lines 40-55 and Figure 15 of Yamashina et al. for reference to transmitting the AARP probe packet from terminal A to terminal B)**. Yamashina et al. does not disclose inserting a period of time the temporary identification number is valid into the message. Yamashina et al. also does not disclose periodically obtaining a new temporary identification number.

With respect to claim 31, Inoue et al., in the field of communications, discloses inserting a period of time a temporary identification number is valid into a message **(See column 11 line 42 to column 12 line 26, column 10 lines 46-53, and Figure 4 of Inoue et al. for reference to inserting a lifetime that a dynamically assigned address is good for into a message)**. Inserting a period of time a temporary identification number is valid into a message has the advantage of making sure that a single device does not use a temporary address indefinitely.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Inoue et al., to combine inserting a period of time the temporary identification number is valid, as suggested by Inoue et al., with the system and method of Yamashina et al., with the motivation being to make sure that a single device does not use a temporary address indefinitely.

With respect to claim 31, Pelissier et al., in the field of communications, discloses periodically generating and obtaining an identification number **(See column 12 line 64 to column 13 line 12 of Pelissier et al. for reference to periodically reassigning MAC addresses, which are a type of identification number, to devices)**. Periodically generating and obtaining and identification number has the advantage of allowing a network manager to periodically generate an updated system configuration to compensate for devices being moved or failing **(See column 12 line 64 to column 13 line 12 of Pelissier et al. for reference to this advantage)**.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Pelissier et al., to combine the use of periodically generating and obtaining an identification number, as suggested by Pelissier et al., with the system and method of Yamashina et al. and Inoue et al., with the motivation being to allow a network manager to periodically generate an updated system configuration to compensate for devices being moved or failing.

11.   Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina et al. in view of Ahmed et al. (U.S. Pat. 6735202).

With respect to claim 46, Yamashina et al. discloses a method of communicating information between a first wireless device and a second wireless device without revealing the identity of the first wireless device or its user **(See column 1 lines 27-55 and Figure 15 of Yamashina et al. for reference to communicating between wireless terminals)**. Yamashina et al. also discloses randomly selecting an

identification number for the first wireless device **(See column 1 lines 40-55 and**

Figure 15 of Yamashina et al. for reference to terminal A generating a temporary

address by a random number). Yamashina et al. further discloses transmitting

information including the random identification number **(See column 1 line 6 to column**

2 line 8 and Figure 15 of Yamashina et al. for reference to transmitting an packets

including the random number address to the other network devices with the other

devices replying to transmission using their own random identification numbers).

Yamashina et al. also discloses establishing communication between the first and

second devices using the identification number as an identification number for the first

device **(See column 1 line 6 to column 2 line 8 and Figure 15 of Yamashina et al.**

for reference to transmitting information between devices using the random

identification number as an address of the first device). Yamashina et al. does not

disclose generating an access code identifying a format of the temporary identification

number and transmitting the access code with the identification number.

   With respect to claim 46, Ahmed et al., in the field of communications,

discloses generating an access code identifying a format of the temporary identification

number and transmitting the access code with the identification number **(See column**

21 lines 33-38 and Figure 9B of Ahmed et al. for reference to including an address

type field that is transmitted along with the address, which is an identification

number). Generating an access code identifying a format of the temporary

identification number and transmitting the access code with the identification number

has the advantage of allowing the temporary identification number to be generated in

more than one format such that devices utilizing different formats may use the method.

It would have been obvious for one of ordinary skill in the art at the time of the

invention, when presented with the work of Ahmed et al., to combine generating an

access code identifying a format of the temporary identification number and transmitting

the access code with the identification number, as suggested by Ahmed et al., with the

system and method of Yamashina et al., with the motivation being to allow the

temporary identification number to be generated in more than one format such that

devices utilizing different formats may use the method.

Allowable Subject Matter

12.   Claims 12, 14-17, and 21 are allowed.

13.   The following is a statement of reasons for the indication of allowable subject

matter:

Claim 12 is allowable since none of the prior art of record discloses or renders

obvious the claimed limitations of generating a random identification number and using

the random identification to request a temporary identification number from a remotely

located source.

Claims 14-17 and 21 are allowable since they depend on allowable claim 12.

Response to Arguments

14.   Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection.

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Liu et al. (U.S. Pat. 7099304 B2) discloses a system and method

for communicating between devices without revealing the identities of the devices to

each other.

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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